

ADAM G. GASNER (SBN 201234)
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102
Telephone: 415-782-6000
Facsimile: 415-241-7340
E-Mail: adam@gasnerlaw.com

Attorney for Defendant
WING WO MA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WING WO MA,

Defendant.

No. 15-CR-00529 CRB

DEFENDANT'S PRETRIAL
CONFERENCE STATEMENT AND
TRIAL MEMORANDUM

Pretrial: November 28, 2017
Time: 2:00 p.m.
Hon. Charles R. Breyer

Defendant WING WO MA ("Mr. Ma"), by and through his counsel of record, Adam G. Gasner, hereby submits his Pre-Trial Conference Statement and Trial Memorandum in the above-captioned case.

I. CHARGES

On April 6, 2017, a Federal Grand Jury named Mr. Ma as sole defendant in a superseding indictment. The Court dismissed charges against his three co-defendants. Mr. Ma is charged with violations of the following: Count One: 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(B) -- Conspiracy to Cultivate and Distribute and to Possess with Intent to Distribute Marijuana; Count Two: 18

U.S.C. § 9240) -- Use of Firearm Causing Murder; and Count Three: 18 U.S.C. § 924(c)(1)(A) --
Use of Firearm During and in Relation to a Drug Trafficking Crime.

II. JENCKS, BRADY, AND GIGLIO DISCLOSURE (Crim. L.R. 17.1-1(b)(1-3))

The government claims to have complied with the required disclosures.

III. STIPULATIONS (Crim. L.R. 17.1-1(b)(4))

There are currently no stipulations; however, the parties anticipate and are meeting and conferring regarding stipulations to the admissibility of certain evidence.

IV. NEED FOR INTERPRETERS (Crim. L.R. 17.1-1(b)(5))

The defendant requires a Cantonese interpreter.

V. DISMISSAL OF COUNTS/ELIMINATION OF ISSUES (Crim. L.R. 17.1-1(b)(6))

No issues

VI. JOINDER/SEVERANCE (Crim. L.R. 17.1-1(b)(7))

No issues

VII. INFORMANT/IDENTIFICATION/PRIOR CONVICTIONS (Crim. L.R. 17.1-1(b)(8))

Issues related to defendant Mark Ma's three prior misdemeanor convictions are the subject of an *in limine* motion.

VIII. WITNESSES (Crim. L.R. 17.1-1(b)(9))

The defense is filing a witness list concurrently with the filing of pretrial conference statement.

IX. EXHIBITS (Crim. L.R. 17.1-1(b)(10))

The defense objects to the inclusion of any exhibits not produced by the government prior to trial.

X. OBJECTIONS TO EXHIBITS OR TESTIMONY (Crim. L.R. 17.1-1(b)(11))

None at this time.

XI. LEGAL ISSUES LIKELY TO ARISE AT TRIAL (Crim. L.R. 17.1-1(b)(12))

None at this time.

XII. SCHEDULING (Crim. L.R. 17.1-1(b)(13))

The defense anticipates moving the court for a continuance of the trial because of the need to review, investigate, and analyze new disclosures by the government.

Specifically, on November 8, 2017, the government produced discovery consisting of a search warrant, coroner reports, and grand jury testimony of nearly 700 pages. Then, on November 20, 2017 – yesterday – I received very large data files (approximately 12 gigabytes of information) regarding cell phone records of the defendant’s multiple phones and witness Kevin Luu’s phone.

Also disclosed were 911 audio, detail calls for service, a search warrant for Jeffrey Huynh’s DNA, Multiple HIS reports, autopsy evidence, and property receipts. I was informed by the government that there will be additional law enforcement reports forthcoming that are currently being prepared and not yet disclosed.

The majority of this information, disclosed yesterday, has not been reviewed as of this writing. In addition, I am aware the government intends to produce voluminous additional records from the USA v. Raymond “Shrimp Boy” Chow case. The government and I discussed the possible need for a continuance as soon as I received the November 20, 2017 disclosures (yesterday) and as of that conversation, there was no objection. The parties discussed mid-January as a possible trial date, subject of course to the court’s ruling on a motion to continue and the court’s schedule.

XIII. JURY VOIRE DIRE (Crim. L.R. 17.1-1(b)(14))

The defense requests to conduct individual voir-dire.

XIV. JURY INSTRUCTIONS (Crim. L.R. 17.1-1(b)(14))

The joint jury instructions proposed by the government are acceptable to the defense subject to the evidence at trial.

1 DATED: November 21, 2017

Respectfully submitted,

2 /s/

3 ADAM G. GASNER
4 Attorney for WING WO MA
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GASNER CRIMINAL LAW
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102